

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

DEMARCUS COLEMAN,)
)
Plaintiff,)
)
v.) Case No. 2:19-cv-00899-LSC-SGC
)
ZACKERY MCLEMORE, et al.,)
)
Defendants.)

JOINT MOTION FOR LEAVE TO CONDUCT ADDITIONAL DISCOVERY

PURSUANT TO SECTION III.C. OF THE ORDER FOR SPECIAL REPORT

COME NOW, Demarcus Coleman (“**Plaintiff**”) and Zackery McLemore, et al. (“**Defendant**”), together with Plaintiff, the “**Parties**”), by and through undersigned counsel, and respectfully requests leave of this Court to conduct discovery. As grounds for this motion, the Parties state as follows:

1. On June 11, 2019, Plaintiff filed a *pro se* complaint pursuant to 42 U.S.C. § 1983, alleging violations of his constitutional rights. (Doc. 1).
2. The Parties remain hopeful that the case might be resolved outside court.

Regardless of this possibility, however, the Parties must begin to prepare for trial.

3. Although attorney Richard Rice did not appear in the case until June 4, 2021 (see Doc. 44), from a review of the docket, it appears discovery was discontinued or disallowed at some point during the pendency of this action. (See Doc. 10, pp. 5–6). It

does not appear that either party has conducted any formal discovery to this point in the case.

4. In order to prepare the case for trial, the Parties wish to conduct discovery including, but not necessarily limited to, propounding written discovery requests; deposing Plaintiff, Defendants and other third-party witnesses; and obtaining records from third parties via subpoena.

5. The Parties respectfully state that they will not be able to adequately present their case at trial without conducting the discovery activities described above.

6. The Parties are in agreement that additional discovery is needed to adequately prepare for trial. The Parties agree to work expeditiously and collaboratively to determine an appropriate scope of paper discovery, depositions and additional discovery, as needed, to prepare for trial.

In light of the foregoing, the Parties respectfully request that the Court enter an Order granting the parties leave to conduct discovery to the full extent permitted under Fed. R. Civ. P. 26, 45, and other applicable law.

Respectfully submitted on this 28th day of June, 2021.

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